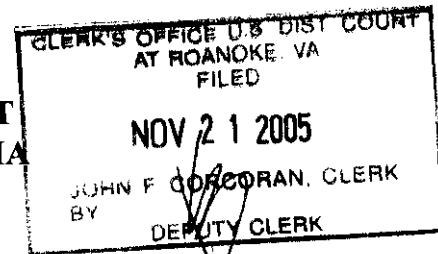


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



GREGG EDWARD PARKER,)	
Petitioner,)	Civil Action No. 7:05-CV-00690
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
UNITED STATES OF AMERICA,)	By: Hon. Norman K. Moon
Respondent.)	United States District Judge

Petitioner Gregg Edward Parker, a federal inmate proceeding pro se, brings this action to Vacate, Set Aside, or Correct Sentence, pursuant to 28 U.S.C. § 2255. Because the petitioner has not provided any evidence to suggest that he has been granted authorization from the Court of Appeals for the Fourth Circuit to file a subsequent § 2255 petition, this court files Parker's petition and dismisses it without prejudice.

Parker was convicted before this court in July 2000 of conspiracy to distribute cocaine and use or carrying of a firearm during and in relation to a drug trafficking offense, for which the court sentenced him to a total of 210 months imprisonment. See Crim. Case No. 6:99-cr-70054. Parker filed motion to Vacate, Set Aside, or Correct Sentence on or about August 14, 2002, regarding this conviction and/or sentence. See Civil Action 7:02-CV-00907. By opinion and order entered September 11, 2002, the court dismissed that action as untimely filed.

In his current pleadings, Parker is also challenging his 2000 conviction and sentence. An applicant must obtain authorization from the court of appeals prior to bringing a second or successive action in district court under 28 U.S.C. § 2255. See 28 U.S.C. § 2244(b)(3)(A);

§ 2255 para. 8. Parker has provided no evidence that he has obtained such authorization from the Court of Appeals for the Fourth Circuit. Therefore, this court dismisses this action without prejudice. An appropriate order will be entered this day.

ENTER: This 21st day of November, 2005.


UNITED STATES DISTRICT JUDGE